

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION

BERNAL SMITH

PLAINTIFF

VERSUS

CIVIL ACTION NO. 3:16-cv-160-MPM-JMV

HSBC BANK USA, N.A., AS TRUSTEE  
FOR THE STRUCTURED RATE  
MORTGAGE LOAN TRUST PASS  
THROUGH CERTIFICATES 2005-21,  
AND WILSON ADAMS & EDENS

DEFENDANTS

**ORDER APPROVING IN PART ATTORNEY'S FEES**

By Order [37] dated April 21, 2017, the Court Granted Defendant's Motion [33] to compel Plaintiff to produce initial disclosures and adequate responses to two requests for production. The Court, by that Order, awarded sanctions against Plaintiff and required Defendant to file an affidavit—including an itemization of reasonable attorney's fees and expenses incurred in prosecuting the motion to compel—and allowed Plaintiff 3 days thereafter to file any objections to the award of any fees and expenses submitted. The Court has now considered defense counsel's affidavit and Plaintiff's objections and finds as follows:

Defense counsel's affidavit documents 5.4 hours of attorney work at a rate of \$225.00 per hour—which comes to a total of \$1,215.00 for fees—for fees incurred prosecuting the motion to compel. Though Plaintiff concedes the rate is reasonable, he suggests the three time entries listed are all excessive and argues defense counsel should be required to produce time records. While the Court finds counsel's affidavit complies with the Court's order for an itemization of fees and is, therefore, sufficient, I agree the time entries should be reduced. Accordingly, the time counsel spent drafting the good-faith letter will be reduced from 1.6 hours to .75 hours because the letter was approximately a page in length and involved slightly more than the

discovery ultimately in dispute. The time spent preparing/filing the motion to compel will be reduced from 2.7 hours to 1.5 hours, considering the motion was not complex and involved only two requests. And, the time listed for preparing/filing the reply will be reduced from 1.1 hours to .75 hours as it was straightforward and only approximately one page in length. Accordingly, the Court finds a total of 3 hours at a rate of \$225.00, or \$675.00, is a more reasonable award.

**THEREFORE, IT IS ORDERED** that on or before June 2, 2017, Plaintiff shall pay Defendant \$675.00 for the benefit of Defendant's counsel.

This 4th day of May, 2017.

/s/ Jane M. Virden  
U.S. MAGISTRATE JUDGE